

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MARGUERITE CARRUBBA,

Plaintiff,

vs.

Civil Action No. 1:07CV1238LG JMR

HARRISON COUNTY, MISSISSIPPI BY AND
THROUGH ITS BOARD OF SUPERVISORS;
HARRISON COUNTY SHERIFF GEORGE PAYNE,
in his official and individual capacity; DIRECTOR
OF OPERATIONS MAJOR WAYNE PAYNE,
in his official and individual capacity; DIRECTOR
OF CORRECTIONS MAJOR DIANE GASTON RILEY,
in her official and individual capacity; DIRECTOR OF
INTERNAL AFFAIRS CAPTAIN STEVE CAMPBELL,
in his official and individual capacity; SUPERVISOR
OF BOOKING CAPTAIN RICK GASTON, in his
official and individual capacity; CORRECTIONS
OFFICER SERGEANT RYAN TEEL, in his
official and individual capacity; CORRECTIONS
OFFICER KARLE STOLZE, in his official
and individual capacity; CORRECTIONS OFFICER
WILLIAM PRIEST, in his official and individual capacity;
AMERICAN CORRECTIONAL ASSOCIATION and its
EXECUTIVE DIRECTOR JAMES A. GONDLES, JR.
and employee(s) JOHN AND/OR JANE DOE 1-3;
HEALTH ASSURANCE LLC and its employee
J.L. WHITE,

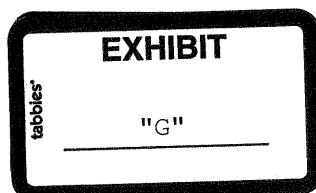
Defendants.

Defendants.

AFFIDAVIT OF W. KEN KATSARIS

Before me, the undersigned authority, personally appeared W. Ken Katsaris, who
being duly sworn, states:

A. I am currently a certified Florida Law Enforcement Officer/Instructor and



consultant in both Law Enforcement and Corrections. I have instructed in a wide area of law enforcement and corrections subjects at the Regional Police/Corrections Academies. I also currently instruct in the nationally recognized AELE Police and Jail Liability Seminars for attorneys and agency/jail/prison commanders.

My experience includes service as both a jail and police officer for the St. Petersburg Florida Police Department, Police Officer with the Tallahassee Florida Police Department, Trooper with the Florida Highway Patrol, the elected Constitutional Sheriff of Leon County, Florida (Tallahassee), which included the management of the Leon County Jail. After leaving the office of Sheriff, I was appointed to the position of Assistant to the Secretary of Corrections for the State of Florida Department of Corrections (DOC), with liaison responsibilities to all 67 of Florida's jails.

My academic instructional background includes ten (10) years as the Department Chairman of the Criminal Justice Program at the Tallahassee Community College, Tallahassee, Florida, where I taught both corrections and law enforcement courses. I also served as Adjunct Professor in both Criminology and Social Work at the Florida State University (Tallahassee, Florida).

I am a certified use of force instructor and have taught throughout the nation consistently for over 15 years. I instruct on the use of force standards and procedures for handling jail and prison inmates. I have been retained as a consultant by jails of all sizes, including the largest jail in the country, the Los Angeles County Jail. As a litigation consultant I have been retained by both the plaintiff and defendant and have testified on use of force issues in both state and federal courts.

During the tenure of two Florida Governors, I was appointed to the position of Commissioner of the Florida Corrections Standards and Training Council where I participated in setting policy and standards for all corrections agencies and officers in Florida. Additionally, I have served as a consultant to the Florida Criminal Justice Standards and Training Commission in the development of a model basic training program for all jail and prison officers in Florida.

B. To prepare for rendering opinions, I have reviewed and largely relied upon the following materials as the basis of my opinions:

1. Complaint
2. Answers to all Defendants
3. Video Surveillance (Booking Room)
4. Inmate Handbook

5. Pre-Discovery Disclosure of Core information by Defendants which includes:
 - (1) Uniform Arrest/Booking Form 6/17/06
 - (2) Booking Report
 - (3) Sheriff Custody - Personal - CJ 287022
 - (4) Inmate Personal Property & Sheriff Custody - property List 6/17/06
 - (5) Sheriff Custody - Event History - CJ 287022
 - (6) Sheriff Custody - Medical Observation - CJ 287022
 - (7) Health assurance, LLC - Nurse's Notes 6/17/06
 - (8) Sheriff's Office/Jail Receipt - 6/17/06
 - (9) Inquiry
 - (10) Booking Arrest
 - (11) Booking History
 - (12) Post Assignment 6/17/06
 - (13) Inmate Population Sheet 6/17/06
 - (14) Narrative - Sgt. Leonard 6/17/06
 - (15) Narrative - Sgt. Leonard 6/18/06
 - (16) Inmate Population Sheet 6/17/06
 - (17) Post Assignment 6/17/06 - 0700 - 1900
 - (18) Post Assignment 6/17/06 - 1900-0700
 - (19) Harrison County Adult Detention Center Policies and Procedures Directive, Use of Force

- (20) Harrison County Adult Detention Center Policies and Procedures directive, Use of Restraints
- (21) Harrison County Adult Detention Center Policies and Procedures Directive, Health Care Services
- (22) Harrison County Adult Detention Center Policies and Procedures Directive, Chain of Command
- (23) Harrison County Adult Detention Center Policies and Procedures Directive, Booking and Receiving
- (24) Harrison County adult Detention Center Policies and Procedures Directive, Classification
- (25) Harrison County Adult Detention Center Policies and Procedures Directive, Personal Property Inventory
- (26) Harrison County adult Detention Center Policies and Procedures Directive, Security Supervision of Holding Cells
- (27) Harrison County Adult Detention Center Policies and Procedures Directive, Inmate Grievance
- (28) Harrison County Adult Detention Center Policies and Procedures Directive, Training for Correctional Officers
- (29) Harrison County Adult Detention Center Policies and Procedures Directive, Training Plans
- (30) Harrison County Sheriff's Department's General Order #1, Code of Ethics
- (31) Harrison County Sheriff's Department's General Order #2, Incident Data Collection - Basic Report Writing Rules
- (32) Harrison County Sheriff's Department's General Order #6, Performance Appraisal
- (33) Harrison County Sheriff's Department's General Order #10, Weapons and Use of Force
- (34) Harrison County Sheriff's Department's General Order #16, Arrest Procedures

- (35) Harrison County Sheriff's Department's General Order #17, Field Training Program
- (36) Harrison County Sheriff's Department's General Order #57, Employee Grievances
- (37) Harrison County Sheriff's Department's General Order #62, Employee Discipline
- (38) Harrison County Sheriff's Department's General Order #65, Professional Standards Unit
- (39) Harrison County Sheriff's Department's Policies and Procedure Directive, Telephone Usage
- (40) Training Records of Leslie Mathis
- (41) Training Records of Justin Richards
- (42) Training Records of Earl Leonard
- (43) Training Records of William Priest
- (44) Training Records of Beth Desper
- (45) Training Records of Karl Stolze
- (46) A copy of the insurance policy in effect at the time of the incident
- (47) Defendants reserve the right to produce additional officers' training records in the event it is discovered other additional officers were involved in the alleged incidents

C. The below listed opinions were formulated based on my experience, training and education in the corrections field, the standard of care recognized by Corrections Organizations and Officials throughout the U.S. as the custom and practice for the administration, management and supervision of corrections agencies and personnel. The opinions are based on my knowledge of the training of Corrections Officers throughout the U.S. in addition to my knowledge of the written standards and materials generally available for training and guiding Corrections Officers in their every day assignments.

D. Pursuant to engagement by attorneys for the Defense in the above named case, I conducted an exhaustive review of all of the above materials. As a result of the

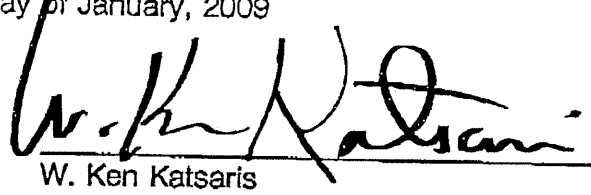
review of these materials, which I relied upon as the basis for my opinions, I render the below opinions:

1. Nothing in the above reviewed materials, other than the Complaint, would indicate any force used by the Harrison County Corrections Officers resulted in injuries to Ms. Marguerite A. Carrubba. I cannot at this time, with the above materials, find that officers used excessive, unreasonable or punitive force against Ms. Carrubba. The discovery materials are limited at this time and the booking/cell videos do not reveal any activity that could be characterized as excessive force.
2. The policies and training of the Harrison County Sheriff's Office Jail were reasonable and comport with the nationally recognized standards of care.
3. I am unable to render an opinion on the issues of the county having a "history" or having recognized a "custom and practice" of excessive force. Such claims can only be supported by an intense review of the actual incidents and the files, forms, investigations, and videos that were made contemporaneously with each of the uses of force over a specified period of time. No other information, testimony or evaluations would be appropriate to render such an opinion. To date I have not been provided the comprehensive compilation of contemporaneous reports forms, videos, or investigations for each incident of force for any period of time to allow for a legitimate opinion about the issue of any established or condoned practices that violate established policies for inmate control, movement or processing.

E. If further discovery materials are provided, they will be thoroughly reviewed, and may have an impact on the above opinions. If this should occur, these revised/new opinions will be immediately revealed to the retaining party. I reserve the right to supplement and amend my opinions based upon additional information provided to me.

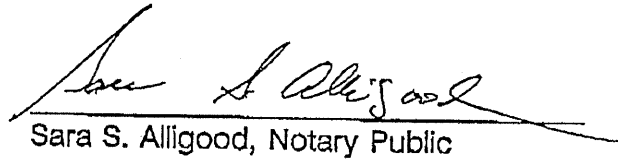
F. As an attachment I incorporate Exhibit "A", a complete curriculum vitae which cites a complete 36 year history I have as a member, instructor and consultant in the Criminal Justice field and a list of cases in which I have testified as an expert at trial or by deposition within the preceding four years. To date I have been paid \$6,000.00.

Respectfully submitted this 9th day of January, 2009


W. Ken Katsaris

STATE OF FLORIDA
COUNTY OF LEON

Sworn and subscribed to this 9th day of January, 2009, by W. Ken Katsaris, who is personally known to me.


Sara S. Alligood, Notary Public

My Commission Expires:

